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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,434	10/26/2001	James Patrick Lemieux	021556.0138	2609

7590

09/12/2003

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EXAMINER

ENG, GEORGE

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 09/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

GM

Office Action Summary

Application No.

10/002,434

Applicant(s)

LEMIEUX ET AL.

Examiner

George Eng

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-13, 16-19 and 21 is/are rejected.
- 7) ☒ Claim(s) 5-8, 14, 15 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-4, 9-11, 13, 15, 17-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newlin (US PAT. 6,011,579) in view of Pinard et al. (US PAT. 6,415,020 hereinafter Pinard).

Regarding claim 1, Newlin discloses an intelligent peripheral (125, figure 15) including on screen display, i.e., user interface, for visually configuring a video call comprising a video call configuration window obviously having plural icons and each icon representing a video device in order to perform call control and configuration (col. 21 line 48 through col. 22 line 51).

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Newlins differs from the claimed invention in not specifically teaching a direct graph relating the icons to represent the configuration of the video devices in the video call so that the direct graph relates compatible and prohibits invalid video call configurations. However, Pinard teaches a method for establishing communication connection between different communication terminals comprising a graphical interface as shown in figures 2-4 having a list of connection equipments corresponding to each connection mode, i.e., video or voice, in order to prevent unambiguously indication of which subscribers are party to a call (col. 4 line 64 through col. 6 line 61). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Newlin in having the direct graph relating the icons to represent the configuration of the video devices in the video call so that the direct graph relates compatible and prohibits invalid video call configurations, as per teaching of Sun, in order to prevent unambiguously indication of which subscribers are party to a call.

Regarding claims 2-4, Pinard teaches the graphical interface including means for adding one or more video device types (figure 4 and col. 5 lines 21-31), wherein selection of a video device type from the video device dialog box is operable to depict a library of available video devices of the selected video device type (figure 3 and col. 5 lines 12-20) and addition of a video device type to a video call implicates one or more additional devices to establish a valid video call configuration (figure 9 and col. 6 lines 5-25).

Regarding claims 9-11, Pinard discloses to monitor a call having configuration by depicting changes in the state of the call, wherein changes in the state of the call comprising failure, i.e., in an on hold state, of a video device so that the device is depicted in a different form, which is obviously depicted with a red color (col. 5 lines 33-50).

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Regarding claim 13, Newlin discloses an intelligent peripheral (125, figure 15) including on screen display, i.e., user interface, for visually configuring a video call, which the user interface is obviously for selecting a first video device for display as a first graphic and for selecting a second vide device for display as a second graphic in order to perform call control and configuration (col. 21 line 48 through col. 22 line 51). Newlin differs from the claimed invention in not specifically teaching to select the first graphic to initiate a directed graph arrow originating from the first graphic and to select the second graphic to draw the directed graph arrow from the first graphic to the second graphic representing a video call between the first and second video device. However, Pinard teaches a method for establishing communication connection between different communication terminals comprising a graphical interface as shown in figures 2-4 having the steps of selecting the first graphic to initiate a directed graph arrow originating from the first graphic and selecting the second graphic to draw the directed graph arrow from the first graphic to the second graphic representing a video call between the first and second video device in order to prevent unambiguously indication of which subscribers are party to a call (col. 4 line 64 through col. 6 line 61). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Newlin in having the direct graph relating the icons to represent the configuration of the video devices in the video call so that the direct graph relates compatible and prohibits invalid video call configurations, as per teaching of Sun, in order to prevent unambiguously indication of which subscribers are party to a call.

Regarding claim 15, Pinard discloses to determine that a video call configuration for a video call between the first and second devices requiring a third video device and presenting a

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graphic associated with the third video device to allow a valid video configuration using the third device (col. 5 lines 33-58).

Regarding claim 17, Newlin teaches to initiating a video call according to the video call configuration (col. 22 lines 34-51).

Regarding claim 18, Pinard discloses to monitor the video devices of the initiated video call and depicting the state of the monitored video devices through user interface (figures 5-6).

Regarding claim 19, Newlin discloses a video network as shown in figure 15 comprising plural video devices, a video network platform (160) in communicate with plural video devices and an intelligent peripheral (125, figure 15) including on screen display, i.e., user interface, associated with the video network platform and operable to depict the video devices having a video call configuration (col. 21 line 48 through col. 22 line 51). Newlin differs from the claimed invention in not specifically teaching to depict the video devices as graphical icons having the video call configuration represented by a direct graph. However, Pinard teaches a method for establishing communication connection between different communication terminals comprising a graphical interface as shown in figures 2-4 having a user interface to depict the video devices as graphical icons having the video call configuration represented by a direct graph in order to prevent unambiguously indication of which subscribers are party to a call (col. 4 line 64 through col. 6 line 61). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Newlin in depicting the video devices as graphical icons having the video call configuration represented by a direct graph, as per teaching of Pinard, in order to prevent unambiguously indication of which subscribers are party to a call.

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Regarding claim 21, Newlin discloses to direct the video network platform to initiate a video call according to the video call configuration (col. 22 lines 34-51).

3. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newlin (US PAT. 6,011,579) in view of Pinard et al. (US PAT. 6,415,020 hereinafter Pinard) as applied in claims above, and further in view of Sun et al. (US PAT. 6,501,740 hereinafter Sun).

Regarding claim 12, the combination of Newlin and Pinard differs from the claimed invention in not specifically teaching a device list window for listing attributes of the video devices represented by the plural icons associated with the video call configuration window. However, Sun discloses a system for teleconferencing on an inter-network comprising a list window as shown in figure 6 for listing attributes of the video devices represented by the plural icons associated a conference call in order to prevent a conference from becoming gridlock with different participants (col. 7 line 5 through col. 8 line 9). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Newlin and Pinard in having the device list window, as per teaching of Sun, in order to prevent the conference from becoming gridlock.

Regarding claim 16, the combination of Newlin and Pinard differs from the claimed invention in not specifically teaching to schedule a video call according to video call configuration. However, Sun teaches to schedule a call according to video call configuration in order to accommodate different groups of conferees in a same conference call (col. 8 line 46 through col. 10 line 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Newlin and Pinard in

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scheduling the video call according to video call configuration, as per teaching of Sun, in order to accommodate different groups of conferees in a same conference call.

Allowable Subject Matter

4. Claims 5-8, 14-15 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gifford et al. (US PAT. 6,549,612) discloses a method for providing unified message services to a subscriber having a user interface for establishing a call setup and configuration (figure 2 and col. 10 line 7 through col. 11 line 23). Do (US PAT. 6,417,869) teaches a method for user interface for a computer to select an application function (abstract). Altom (US PAT. 5,627,978) discloses a graphical user interface for multimedia call set-up and call handling in a virtual conference (abstract).

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

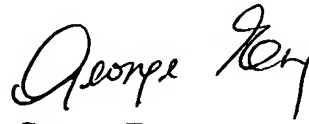
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Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, V.A., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



George Eng

Examiner

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